

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

ADLIFE MARKETING & COMMUNICATIONS
CO. INC.

Plaintiff,

Case No. 1:20-cv-1802-VM-KNF

vs.

GANNETT CO., INC.; and DOES 1 through 100
inclusive,

Defendant.

GANNETT CO., INC.;

Counter-claimant,

vs.

ADLIFE MARKETING & COMMUNICATIONS
CO. INC.,

Counter-defendant.

**REQUEST FOR JUDICIAL NOTICE IN SUPPORT OF OPPOSITION TO MOTION TO
DISMISS COUNTERCLAIM AND TO STRIKE CERTAIN AFFIRMATIVE DEFENSES**

Defendant and Counter-plaintiff Gannett Co., Inc. (“Gannett”) hereby requests the Court take judicial notice, pursuant to Federal Rule of Evidence 201(b)(2) and (c)(2), of all pleadings of records on file in the matters of:

1. *Adlife Mktg. & Commc'ns Co., Inc. v. Multi-Ad Solutions, LLC, et al.*, No. 17-01418 (C.D. Ill.) (filed Sept. 14, 2017) (the “Multi-Ad Lawsuit”)
2. *Adlife Mktg. & Commc'ns Co., Inc. v. Fareway Stores, Inc.*, No. 17-04254 (C.D. Ill.) (filed Sept. 6, 2017) (the “Fareway Lawsuit”); and
3. *Adlife Mktg. & Commc'ns Co. Inc. v. Quality Foods of Anderson, S.C., Inc., et al.*, No. 8:18-cv-01976-TMC (D. S.C.) (filed July 19, 2018) (the “Quality Foods Lawsuit”).

For ease of reference, Gannett attaches the following documents from the Multi-Ad Lawsuit, Fareway Lawsuit, and Quality Foods Lawsuit:

Exhibit A: Dkt. No. 1 (Fareway Lawsuit Complaint), *Adlife Mktg. & Commc'ns Co., Inc. v. Fareway Stores, Inc.*, Civil Action No. 17-04254 (C.D. Ill.) (Sept. 6, 2017);

Exhibit B: Dkt. No. 1 (Multi-Ad Lawsuit Complaint), *Adlife Mktg. & Commc'ns Co., Inc. v. Multi-Ad Solutions, LLC, et al.*, Civil Action No. 17-01418 (C.D. Ill.) (Sept. 14, 2017);

Exhibit C: Dkt. No. 61 (Multi-Ad Lawsuit Dismissal), *Adlife Mktg. & Commc'ns Co., Inc. v. Multi-Ad Solutions, LLC, et al.*, Civil Action No. 17-01418 (C.D. Ill.) (Dec. 27, 2018);

Exhibit D: Dkt. No. 54 (Fareway Lawsuit Dismissal), *Adlife Mktg. & Commc'ns Co., Inc. v. Fareway Stores, Inc.*, Civil Action No. 17-04254 (C.D. Ill.) (Feb. 25, 2020);

Exhibit E: Dkt. No. 1 (Quality Foods Lawsuit Complaint), *Adlife Mktg. & Commc'ns Co. Inc. v. Quality Foods of Anderson, S.C., Inc., et al.*, No. 8:18-cv-01976-TMC (D. S.C.) (July 19, 2018); and

Exhibit F: Dkt. No. 9 (Quality Foods Lawsuit Third-Party Complaint), *Adlife Mktg. & Commc'ns Co. Inc. v. Quality Foods of Anderson, S.C., Inc., et al.*, No. 8:18-cv-01976-TMC (D. S.C.) (Sept. 14, 2018).

These records are properly noticed by the Court here. *See Fed. R. Evid. 201(b)(2), (c)(2); see also Giraldo v. Kessler*, 694 F.3d 161, 164 (2d Cir. 2012) (“We also take judicial notice of relevant matters of public record.”); *Kramer v. Time Warner, Inc.*, 937 F.2d 767, 774 (2d Cir. 1991) (“[C]ourts routinely take judicial notice of documents filed in other courts”).

Dated April 9, 2021

GREENBERG TRAURIG, LLP

/s /Nina D. Boyajian

Nina D. Boyajian (*Admitted Pro Hac Vice*)
1840 Century Park East, Suite 1900
Los Angeles, CA 90067
Tel: 310-586-7700
BoyajianN@gtlaw.com

Michael J. Grygiel
54 State Street, 6th Floor
Albany, NY 12207
Tel: 518- 689-1400
Fax: 518-689-1499
Email: grygielm@gtlaw.com

Zachary C. Kleinsasser (*Admitted Pro Hac Vice*)
One International Place, Suite 2000
Boston, MA 02110
Tel: 617-310-6000
Fax: 617- 310-6001
Email: kleinsassergz@gtlaw.com

Attorneys for Gannett Co., Inc.